

LEECH TISHMAN ROBINSON BROG, PLLC

875 Third Avenue

New York, New York 10022

Fred B. Ringel

Clement Yee

*Attorneys for Debtors and Debtors in
Possession*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Chapter 11

In re:

**26 BOWERY LLC and
2 BOWERY HOLDING LLC,**

Debtors.

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Case No.: 22-10412 (MG) and
22-10413 (MG)
(Jointly Administered)

**FEE STATEMENT OF DE LOTTO & FAJARDO LLP FOR
COMPENSATION FOR SERVICES AND REIMBURSEMENT OF EXPENSES AS
LANDLORD TENANT COUNSEL FOR THE DEBTORS FOR JULY 2023**

Name of Applicant:	De Lotto & Fajardo LLP (“De Lotto”)
Retained to Provide Professional Services to:	26 Bowery LLC (“ <u>26 Bowery</u> ”) 2 Bowery Holdings LLC (“ <u>2 Bowery</u> ”)
Date of Retention:	July 13, 2022 (ECF Doc. 64), effective as of June 13, 2022
Period for Which Compensation and Reimbursement is Sought:	July 2023
Amount of Compensation Sought as Actual, Reasonable and Necessary:	26 Bowery: \$5,247.00 2 Bowery: \$6,088.50
Amount of Expense Reimbursement Sought as Actual, Reasonable and Necessary:	26 Bowery: \$0.00 2 Bowery: \$1,427.20

This statement is the fee statement (“Fee Statement”) of De Lotto, landlord tenant counsel to 26 Bowery and 2 Bowery (together, “Debtors”) in the above-

captioned cases, for the period of July 2023 (“Fee Period”), filed pursuant to the *Order Establishing Procedures for Monthly and Interim Compensation and Reimbursement of Expenses of Professionals* (ECF Doc. 67) (“Monthly Compensation Order”). De Lotto hereby requests: (a) payment of compensation in the amount of (i) \$5,247.00 from 26 Bowery and (ii) \$6,088.50 from 2 Bowery for the Fee Period; and (b) reimbursement of actual and necessary costs and expenses in the amount of (i) \$0.00 from 26 Bowery and (ii) \$1,427.20 from 2 Bowery incurred by De Lotto during the Fee Period in connection with these cases. Attached as **Exhibit A** hereto are redacted contemporaneously maintained time entries for each professional who provided services during the Fee Period in increments of tenths (1/10) of an hour, which includes an itemization and description of the costs and expenses incurred by De Lotto during the Fee Period.

Further, included within this Fee Statement is a recapitulation of the time spent by individual professionals, setting forth the name of each individual who provided services during the Fee Period, their respective billing rates, and the aggregate hours expended by each individual.

Pursuant to De Lotto’s customary billing practices, professionals, paraprofessionals and/or staff members maintain records of their billed time for services rendered in connection with the Debtors’ chapter 11 cases. Thereafter, the aggregate time billed by each professional, paraprofessional and/or staff member is multiplied by their respective billing rates. The disbursements consist of an itemized list all expenses actually incurred by De Lotto in connection with its

representation of the Debtors including for this period, express delivery and other overnight delivery costs, transcript costs and other expenses incurred as a result of De Lotto's representation of the Debtors. There may be disbursements that were incurred during the Fee Period that are not reflected in this Fee Statement, but will appear in the next monthly fee statement because of delays in posting of disbursements, particularly those relating to third-party vendors.

Notice and Objection Deadline

Pursuant to the Monthly Compensation Order, De Lotto has filed and served this Fee Statement by overnight delivery to (a) counsel to Double Bowery Funding LLC, Morrison Cohen LLP, 909 Third Avenue, 27th Floor, New York, New York 10022, Attn: Joseph T. Moldovan and (b) the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, Attn: Greg Zipes (collectively, (a)-(b) are referred to as "Notice Parties"). The Notice Parties will have **fourteen (14) days after receipt of a Monthly Fee Statement** ("**Objection Deadline**") to review the Fee Statements and, in the event that a Notice Party has an objection to the compensation or reimbursement sought in the Fee Statement, serve upon the Retained Professional whose statement is objected to and the Notice Parties, a written "Notice of Objection to Fee Statement" setting forth the nature of the objection and the amount of fees or expenses at issue. At the expiration of the Objection Deadline, the Debtors shall promptly pay 80% of the undisputed fees and 100% of the undisputed expenses identified in each Fee Statement to which no objection has been served in accordance with the

Monthly Compensation Order. If an objection is filed, the Debtors shall not pay the fees and/or expenses to which the objection is directed and the objection shall be resolved in accordance with the Monthly Compensation Order.

WHEREFORE, pursuant to the Monthly Compensation Order, De Lotto requests: (a) compensation in the aggregate amount of \$9,068.40 (which constitutes 80% of \$11,335.50) on account of reasonable and necessary professional services rendered to the Debtors by De Lotto; and (b) reimbursement of actual and necessary costs and expenses in the aggregate amount of \$1,427.20 for a total payment of \$10,495.60.

Dated: New York, New York
August 22, 2023

Respectfully submitted,

By: /s/ Fred B. Ringel
Fred B. Ringel
Leech Tishman Robinson Brog PLLC
875 Third Avenue, 9th Floor
New York, New York 10022
Telephone No.: 212-603-6300

Counsel for the Debtors

EXHIBIT A

DE LOTTO & FAJARDO LLP

Attorneys At Law
4 Reeder Road
Rhinebeck, New York 12572
(917) 887-2439
ldelotto@dfcounsel.com

July 31, 2023

26 Bowery LLC
Brian Ryniker, Manager
c/o RK Consultants
1178 Broadway
3rd Floor #1505
New York, NY 10001

Bill No. 000013
File No. 11207-0000

Re: *Chapter 11 Bankruptcy-26 Bowery LLC*

Professional Services Rendered
For the period July 1, 2023-July 31, 2023

Project Category: Litigation

			Hours	Amount
7/6/2023	LD	Correspond with Gary Ravert, Esq. and Fred Ringel, Esq. re: initial court appearance in ejectment cases; Court appearance on Cody Ng ejectment case.	0.2	\$99.00
7/7/2023	LD	Review ejectment case files in preparation of moving for default judgment (.1); Email to G. Ravert re: questions and confirmation of facts re: same (.1); Tel. call w G. Ravert re: default judgments in ejectment actions-procedures and requirements (.4)	0.6	\$297.00
7/10/2023	LD	Tel. call w G. Ravert re: status update and discuss next steps re: ejectment cases, contempt judgments, building occupancies, obtaining possession of building units.	0.8	\$396.00
7/13/2023	LD	Tel. conf. w professionals re: upcoming hearing (.6) Tel. call with G. Ravert and Clement Yee, Esq. re: same (.1).	0.7	\$346.50
7/17/2023	LD	Court appearance on motion for contempt arrest motion (1.0), Meeting w. G Ravert re: judgment execution on Orange County property and enforcement of judgments generally (.4).	1.4	\$693.00
7/18/2023	LD	Tel. call w G. Ravert re: Orange County judgment execution and land records (.2); Conf. w professionals re: next steps, (.5); Prepare application for certification of default in Cody Ng ejectment case (.5).	1.2	\$594.00
7/19/2023	LD	Prepare detailed email to G. Ravert re: applicable state law and cases re: ejectment (.3); Prepare draft motion for a default judgment in Cody Ng ejectment case (1.0)	1.3	\$643.50

7/20/2023	LD	Review and revise motion for default judgment (.4); Tel. calls w G. Ravert re: default judgment, and discuss relevant state law (.8).	1.2	\$594.00
7/28/2023	LD	Tel. call w G. Ravert re: 7/31 hearing, possible settlements and surrenders, outstanding issues.	0.6	\$297.00
7/30/2023	LD	Tel. conf. w G. Ravert, F. Ringel, Esq. and Clement Yee, Esq.-preparation for 7/31 hearing (.6); Tel. calls w G. Ravert re: contempt liabilities, tenant occupancy issues (.5).	1.1	\$544.50
7/30/2023	LD	Prepare chart of contempt liabilities and calculations for each non-compliant witness, and prepare chart with relevant witness information to assist with judgment enforcement.	0.8	\$396.00
7/31/2023	LD	Court appearance on arrest motion hearing (.5); Post-hearing meeting w G. Ravert, C. Yee, and Brain Ryniker re: next steps (.2).	0.7	\$346.50
TOTAL FEES				\$5,247.00

LEGAL SERVICES SUMMARY

TOTAL FEES: DE LOTTO, LAUREN 10.6/hrs. x \$495.00/hr. = \$5,247.00

TOTAL THIS BILL **\$5,247.00**

DE LOTTO & FAJARDO LLP

Attorneys At Law
4 Reeder Road
Rhinebeck, New York 12572
(917) 887-2439
ldelotto@dfcounsel.com

July 31, 2023

2 Bowery Holding LLC
Brian Ryniker, Manager
c/o RK Consultants
1178 Broadway
3rd Floor #1505
New York, NY 10001

Bill No. 000013
File No. 11206-0000

Re: *Chapter 11 Bankruptcy-2 Bowery Holding LLC*
Professional Services Rendered
For the period July 1, 2023-July 31, 2023

Project Category: Litigation

			Hours	Amount
7/05/2023	LD	Obtain and review entity documents from the NY Secy of State-for Optical Shop of Nyack Corporation (Megne Yong's business).	0.1	\$49.50
7/06/2023	LD	Tel. call/email w Gary Ravert, Esq. and Fred Ringel, Esq. re: initial court appearance in ejectment cases (.1); Attend hearing on Megne Yong ejectment case (.1); Review Oldco M Corp. case and court filed documents therein, review procedures for obtaining a default judgment (.6).	0.8	\$396.00
7/07/2023	LD	Review ejectment case files in preparation of moving for default judgments (.1); Email to G. Ravert re: questions and confirmation of facts re: same (.2); Review letter dated 6/27/2023 from Steven Ng to Megne Yong purporting to confirm that Megne Yong has "released back" demised premises (.1); Tel. calls w G. Ravert re: M. Yong letter and G. Ravert response, and default judgments in ejectment cases-procedures and requirements (.4).	0.8	\$396.00
7/13/2023	LD	Tel. conf. w professionals re: upcoming hearing (.7) Tel. call with G. Ravert and Clement Yee, Esq. re: same (.1). Tel. call with Megne Yong re: explain contempt fines, and proper procedure for surrender of her leased premises, and Follow-up email to Megne Yong confirming tel. call discussion, and providing contempt fines calculations and attaching copies of contempt judgments (.5); Tel. conf. w G. Ravert and Brian Ryniker re: building issue (.1).	1.4	\$693.00
7/17/2023	LD	Court appearance on contempt arrest motion (.9); Meeting w G. Ravert re: judgment execution (.3).	1.2	\$594.00
7/18/2023	LD	Tel. conf. w professionals re: after hearing status and next steps.	0.5	\$247.50

7/25/2023	LD	Review HPD notice, communicate and discuss with Brian Ryniker.	0.5	\$247.50
7/27/2023	LD	Tel. calls/emails w G. Ravert re: Megne Yong surrender and consent judgment (.4); Review and revise Megne Yong surrender and consent judgment (.3); Tel. call and emails w U.S. Marshal's office re: eviction procedure on ejection cases, and review eviction requirements and procedures from U.S. Marshal (.7).	1.4	\$693.00
7/30/2023	LD	Prepare for and participate in tel. conf. w G. Ravert, F. Ringel, and C. Yee in preparation for 7/31/23 hearing (.7); Tel. call w G. Ravert re: contempt order liabilities, William Ng lease defaults (.2); Review William Ng lease, research on-line information re: William Ng, addresses and businesses, and start preparing notice to cure lease defaults to be served on William Ng (1.3).	2.2	\$1,089.00
7/30/2023	LD	Prepare chart of contempt liabilities and calculations for each non-compliant witness, and prepare chart with relevant witness information to assist with judgment enforcement.	0.8	\$396.00
7/31/2023	LD	Court appearance on contempt arrest motion (.5); Post-hearing meeting with G. Ravert, F. Ringel, C. Yee, and Brian Ryniker re: next steps (.2); Tel. call w G. Ravert re: William Ng's lease default notice (.2); Finalize notice to cure lease defaults, and serve William Ng personally (1.7).	2.6	\$1,287.00
TOTAL FEES				\$6,088.50

LEGAL SERVICES SUMMARY

TOTAL FEES: DE LOTTO, LAUREN 12.3/hrs. x \$495.00/hr. = \$6,088.50

TOTAL EXPENSES: 7/10/2023-Megne Yong-Obtain Entity documents from
NY Secy of State-for Megne Yong's business-
Optical Shop of Nyack - \$92.50

7/30/2023-Veritext Transcript Fee

Jenny Ng 2004 Examination \$1,334.70 TOTAL COSTS \$1,427.20

TOTAL THIS BILL \$7,515.70